

Deficiency Status Report 4

Status Report Submitted: October 11, 2007

CUPA Name: Livermore-Pleasanton City Fire Department

Evaluation Date: January 12, 2005

Next Status Report Due: October 1, 2007

State Evaluation Team:

CALEPA: Tina Gonzales

SWRCB: Ahmad Kashkoli

DTSC: Thomas Asoo

OES: Charles Snyder

OSFM: Francis Mateo

Based on the CUPA's corrective action responses, the following deficiencies are considered corrected and no further updates are required: 1, 3, 6, 7, 8, 9, 10, 11

Please submit an update on the progress towards correction for the deficiencies below that are still in progress. Please provide any requested documentation.

Deficiencies and Corrective Actions

- 2. Deficiency:** The CUPA is not sending in all their Summary Reports due by September 30th of each year, this will be a necessary component for the next evaluation process.

CUPA's 3rd Status Update: The Finance Department has given us data for one fiscal year and is putting together the data for the remaining two missing years. We anticipate we will have that data within a few weeks. At that time I will review and process the data and generate the needed reports.

Cal/EPA's 3rd Response: Along with the next status report, submit the CUPA's FY 06/07 Annual Summary Reports due September 30, 2007.

CUPA's 4th Status Update: We still have not received the information from the Finance Department. We continue to request the information.

- 3. Deficiency:** The CUPA is not inspecting UST facilities annually. During the past fiscal year the CUPA inspected approximately 37% of the UST facilities in Cities of Livermore and Pleasanton.

CUPA's 3rd Status Update: All UST sites were inspected in fiscal year 06/07, with the exception of one site which will be inspected in the next few weeks (the last week of June is its anniversary date).

Cal/EPA's 3rd Response: Cal/EPA considers this deficiency corrected.

4. **Deficiency:** Business Plan certification statement The CUPA isn't receiving and/or filing all the annual statements. The CUPA must follow-up to ensure all statements are received

CUPA's 3rd Status Update: The AEOs for 2006 were sent to the businesses and are in the process of being finalized. The 2007 process is proceeding. We are waiting to finalize the 2007 process until last year's AEOs are completed.

Cal/EPA's 3rd Response: The CUPA is making good progress correcting this deficiency. On the next status report, please update Cal/EPA on the status of this deficiency.

CUPA's 4th Status Update: We obtained 2006 HMBP updates for all facilities except one (which is in the midst of formal enforcement). We have obtained 70% of the HMBP updates for this year and are about to send out the last round of requests prior to taking enforcement action.

5. **Deficiency:** The CUPA is not inspecting all regulated businesses in their jurisdiction at least once every 3 years. The "Annual Inspection Summary Reports" for 2001-2002, 2002-2003, 2003-2004 documents that the CUPA has inspected approximately 75% of regulated businesses in their jurisdiction during the three-year period.

CUPA's 3rd Status Update: The application period for the third Hazardous Materials Inspector position closes today. It is my understanding that the hiring process will continue in a timely manner.

Facility inventory and classification is a moving target. Taking into account changes in the numbers of facilities, the activities at these facilities, and changes in the assigned CUPA inspection frequency (annual or triennial), our current number of CUPA inspections to be done annually is 295. The number of HMPB sites is currently 598. 295 divided by 3.3 (3 inspectors and part of me) is 89 inspections per Hazardous Materials Inspector and 27 inspections for me. The past benchmarking we did looked at a variety of other agencies' data. In the last 12 months, our Hazardous Materials Inspectors have done 93 inspections per inspector. We anticipate this number will improve as, with 50% more staff, we work our way through sites that have not been inspected in over 4 years (which

generally take more time), as we complete enforcement actions with several problematic sites (now that we seem to have successfully worked with the City Attorneys' offices to make the AEO process functional, and when we move to using computers in the field (a program we are currently working on). Thus, at this time a 90 inspection per inspector workload appears to be achievable at this point. We will, of course, continue to monitor this issue on an on-going basis as a routine component of program management.

Cal/EPA's 3rd Response: Along with the next status report, submit the CUPA's FY 06/07 Annual Summary Reports due September 30, 2007.

CUPA's 4th Status Update: The first round of interviews was conducted September 25, 2007. We had at least five very good applicants. The Fire Chief's interviews are scheduled for October 16, 2007. We anticipate the new Inspector will start some time in December.